

REMARKS

Initially, Applicants would like to thank the Examiner for indicating the acceptance of the drawings filed with the present application on November 20, 2003.

In the outstanding Official Action, claims 1-7, 9, 10 and 12-17 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,396,776 to KIM in view of U.S. Patent No. 5,605,058 to KURACHI et al. CLAIMS 8 and 18 were rejected under 35 U.S.C. §103(a) over KIM in view of KURACHI et al., and further in view of U.S. Patent No. 5,966,952 to MISAWA et al. Claim 11 was rejected under 35 U.S.C. §103(a) over KIM in view of KURACHI, and further in view of U.S. Patent No. 6,519,971 to KIM.

Upon entry of the present Response, claims 1-18 will have been amended to more clearly recite the features of the claimed invention. Independent claim 19 and dependent claims 20-21 will have been added for the Examiner's consideration. Accordingly, claims 1, 9 and 19 are independent. In view of the herein-contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections.

Claims 1 and 9 have also each been amended to recite features relating to the inlet tube and the outlet tube. Applicants respectfully submit that the amendments to the claims are supported in the present specification at, e.g., paragraph [0038] and in Figure 4. Accordingly, Applicants respectfully submit that the herein-contained amendments do not add new matter to the present application.

Applicants respectfully traverse each of the outstanding rejections. In this regard, claim 1 recites features of a compressor that includes an accumulator with an "inlet tube extending downwardly into the body from a top of the body and including an

end positioned at an inner lower portion of the body”. Claim 1 also recites “an outlet tube extending upwardly into the body from a bottom of the body and including an end positioned at an inner upper portion of the body”. Claims 9 and 19 recite features similar to the above-noted features recited in claim 1. Applicants respectfully submit that at least the above-noted features, in the claimed combination, are not disclosed or suggested by the references (singly or in combination) applied in the outstanding Official Action.

Initially, Applicants note that the inlet to the accumulator shown in FIG. 6 of KIM is not an “inlet tube extending downwardly into the body from a top of the body” as recited in claim 1. Further, even if an inlet tube extended into the accumulator shown in FIG. 6 of KIM, it would entirely defeat the purpose of the “baffles” 5a and 5b in KIM if such an inlet tube included “an end positioned at an inner lower portion of the body”, as such an inlet would release refrigerant below the level of such “baffles”.

Further, no other reference applied in the outstanding Official Action discloses the above-noted features recited in claim 1; nor does the outstanding Official Action assert that any other reference discloses such features. In particular, KURACHI et al. does not disclose or suggest the above-noted features recited in claim 1. In any case, if KIM were modified to include a feature such as the inlet tube recited in claim 1, the “baffles” 5a and 5b shown in FIG. 6 of KIM would be rendered functionless. Accordingly, there is no logical basis for modifying the accumulator of KIM to obtain the invention recited in claim 1 without destroying the teachings of KIM. Accordingly, Applicants respectfully submit that there is no motivation in the prior art to modify a device such as that shown in KIM to obtain the invention recited in claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of claim 1, at least for the reasons noted above. Applicants additionally request reconsideration and withdrawal of the outstanding rejection of claim 9, at least for reasons similar to the reasons noted above with respect to the similar features recited in claim 1. Applicants additionally submit that claim 19 is allowable, at least for reasons similar to the reasons noted above with respect to the similar features recited in claims 1 and 9. Applicants additionally submit that claims 2-8, 10-18 and 20-21 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well for additional reasons related to their own recitations.


SUMMARY AND CONCLUSION

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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